

## REMARKS

Claims 1-27 remain in this application, with Claims 1, 14, 20, 23 and 25 being in independent form. Claim 27 was previously withdrawn and by the present amendment has been cancelled. Also, by the present amendment, Claims 1, 10, 12, 14, 15, 17, 20, 23 and 25 have been amended. Adequate support for the amendments is provided in the specification and in the figures. No new matter or issues are believed to be introduced by the amendments.

In the Office Action mailed on October 5, 2004, Claims 1-26 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,366,696 issued to Hertz et al. ("Hertz et al."). Applicant has amended independent Claims 1, 14, 20, 23 and 25 to better define Applicant's invention and to patentably distinguish over the devices disclosed by Hertz et al.

It is Applicant's belief that independent Claims 1, 14, 20, 23 and 25 as presently presented patentably distinguish Applicant's invention over the devices disclosed by Hertz et al. Applicants' Claims 1, 14, 20, 23 and 25 recite a functionally different system and method than the system and method disclosed by Hertz et al. as emphasized by the portions underlined below. Hence, Claims 1, 14, 20, 23 and 25 are not anticipated by the devices disclosed by Hertz et al.

Applicant's Claim 1 recites:

A system for reading an optical code and verifying the read optical code comprising:  
an imaging engine having an array of image sensors for sensing an image of an object and an optical code associated with the object and generating respective object image data and optical code image data;

a database storing a plurality of digital codes and an object image data entry associated with respective digital codes of the plurality of digital codes, wherein the object image data entry associated with a digital code of the plurality of digital codes represents at least one image of an object that is assigned the digital code; and

a processing unit for receiving the object image data and the optical code image data from the imaging engine, said processing unit comprising:

a code generation software module using one decoding method for generating one set of at least one digital code that corresponds to the optical code image data;

a database query module for accessing at least one object image data entry stored in the database associated with at least one respective stored digital code that substantially matches the respective one set of at least one generated digital code; and

a comparator module for comparing the generated object image data with the at least one accessed object image data entry.

Applicant's Claim 14 recites:

A method for verifying an optical code read comprising the steps of:

receiving optical code image data and object image data associated with the optical code read and an object associated with the optical code, respectively;

generating one set of at least one digital code in accordance with the optical code image data using one decoding method;

querying a database for accessing at least one stored object image data entry associated with at least one stored digital code that substantially matches the one set of at least one generated digital code; and

comparing the received object image data with the at least one accessed object image data entry.

Applicant's Claim 20 recites:

A system for image verification of an optical code read comprising:

means for receiving optical code image data and object image data associated with the optical code read and an object associated with the optical code, respectively;

means for generating one set of at least one digital code in accordance with the optical code image data using one decoding method;

means for querying a database for accessing at least one stored object image data entry associated with at least one respective stored digital code that substantially matches the respective one set of at least one generated digital code; and

means for comparing the received object image data with the at least one accessed object image data entry.

Applicant's Claim 23 recites:

A computer-readable medium storing a series of programmable instructions configured for execution by at least one processor for performing an optical code read verification method comprising the steps of:

receiving optical code image data and object image data associated with the optical code read and an object associated with the optical code, respectively;

generating one set of at least one digital code in accordance with the optical code image data using one decoding method;

querying a database for accessing at least one stored object image data entry associated with at least one respective stored digital code that substantially matches the respective one set of at least one generated digital code; and

comparing the received object image data with the at least one accessed object image data entry.

Applicant's Claim 25 recites:

A data signal embodied in a transmission medium for execution by at least one processor for performing an optical code read verification method, the data signal comprising:

a code segment including instructions for receiving optical code image data and object image data associated with the optical code read and an object associated with the optical code, respectively;

a code segment including instructions for generating one set of at least one digital code in accordance with the optical code image data using one decoding method;

a code segment including instructions for querying a database for accessing at least one stored object image data entry associated with at least one respective stored digital code that substantially matches the respective one set of at least one generated digital code; and

a code segment including instructions for comparing the received object image data with the at least one accessed object image data entry.

Hertz et al. does not disclose or suggest at least the emphasized limitations of Claims 1, 14, 20, 23 and 25. Hertz et al. is directed to an apparatus and method for determining the identity of an object by capturing an image of an item 26 containing a bar code. The scan line extraction and decoding module 36 decodes the barcode using the bar/space pattern for generating bar code string 48. The OCR decoding module 38 then produces an independent decoding of the human-readable numbers printed on the barcode using another method for decoding, namely optical character recognition (OCR), for producing a decoded human-readable character string 56. Combination decoding module 102 compares the two strings 48 and 56, which were generated using two different decoding methods, to determine an estimate 106 of the identity of the item. Product verification module 104 then compares estimate 106 suggested by strings 48 and 56 with

the estimate determined by product verification module 104. Product verification module 104 produces the final decoding 58, which is a series of numbers that corresponds to imaged item 26 in the database (see column 5, lines 29-52).

Hertz el al. does not disclose or suggest a system or method for generating one set of at least one digital code in accordance with the optical code image data using one decoding method; and querying a database for accessing at least one stored object image data entry associated with at least one stored digital code that substantially matches the one set of at least one generated digital code, as recited by Applicant's Claims 1, 14, 20, 23 and 25.

Accordingly, withdrawal of the rejection under 35 U.S.C. §102(e) with respect to Claims 1, 14, 20, 23 and 25 and allowance of Claims 1, 14, 20, 23 and 25 are respectfully requested.

Dependent Claims 10, 12, 15 and 17 were amended to conform to the amendments made to independent Claims 1 and 14. Claims 2-13, 15-19, 21-22, 24 and 26 depend from Claims 1, 14, 20, 23 and 25, respectively, and therefore include the limitations of Claims 1, 14, 20, 23 and 25. Accordingly, for at least the same reasons given for Claims 1, 14, 20, 23 and 25, Claims 2-13; 15-19; 21 and 22; 24; and 26 are believed to contain patentable subject matter. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(e) with respect to Claims 2-13, 15-19, 21, 22, 24 and 26 and allowance of Claims 2-13, 15-19, 21, 22, 24 and 26 are respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-26, are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at (631) 501-5706.

Respectfully submitted,



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